

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

MICHAEL EDWARD SIMS,	)	
Register No. 500566,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 05-4284-CV-C-NKL
	)	
ZAK RODGERS, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On January 11, 2007, the United States Magistrate Judge recommended that the motions of defendants Fussner and Rodgers be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of January 11, 2007, is adopted. [39] It is further

ORDERED that the motions to dismiss of defendants Fussner and Rodgers are denied [29, 30].

/s/ \_\_\_\_\_

NANETTE K. LAUGHREY  
United States District Judge

Dated: February 8, 2007  
Jefferson City, Missouri